

first effective 1/19/97 Attachment C

NORTH CAROLINA BOARD OF ETHICS
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INTERPRETIVE MEMORANDUM NUMBER TWO FOR EXECUTIVE ORDER NUMBER ONE
DATED JANUARY 9, 1993, BY GOVERNOR JAMES B. HUNT, JR.

CRITERIA FOR DETERMINING WHETHER FUNCTIONS OF COMMISSIONS,
BOARDS, AND COUNCILS ARE SOLELY ADVISORY

EXECUTIVE ORDER NUMBER ONE BRINGS WITHIN ITS COVERAGE MEMBERS OF ALL COMMISSIONS, BOARDS, AND COUNCILS APPOINTED BY THE GOVERNOR, WITH THE EXCEPTION OF MEMBERS ON COMMISSIONS, BOARDS, AND COUNCILS WHICH THE BOARD OF ETHICS DETERMINES PERFORM SOLELY ADVISORY FUNCTIONS.

THE BOARD HAS ADOPTED THE FOLLOWING CRITERIA FOR DETERMINING WHETHER A GIVEN COMMISSION, BOARD, OR COUNCIL'S FUNCTIONS ARE SOLELY ADVISORY. FUNCTIONS ARE NOT SOLELY ADVISORY IF THE BODY HAS THE AUTHORITY, POWER, OR DUTY TO:

1. ALLOCATE, SPEND, OR INVEST PUBLIC MONEY IN SIGNIFICANT AMOUNTS.
2. GRANT OR REVOKE LICENSES.
3. PROMULGATE RULES, REGULATIONS, OR STANDARDS HAVING THE FORCE OF ADMINISTRATIVE LAW.
4. ENTER INTO OR APPROVE CONTRACTS INVOLVING SIGNIFICANT AMOUNTS OF PUBLIC MONEY.
5. SET POLICY GOVERNING OPERATION OF AN AGENCY OR INSTITUTION.

IF A COMMISSION, BOARD, OR COUNCIL IS AUTHORIZED TO PERFORM ANY OF THESE FUNCTIONS, THE BOARD DETERMINES THAT THE BODY PERFORMS FUNCTIONS WHICH ARE NOT SOLELY ADVISORY AND, THEREFORE, THAT GUBERNATORIAL APPOINTEES TO THE BODY ARE SUBJECT TO EXECUTIVE ORDER NUMBER ONE.

CHAIRMAN, BOARD OF ETHICS